

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-CR-00337-RJC-DSC

USA

v.

NATALIA CHRISTINA WADE (8)

---

)  
)  
)  
)  
)  
)

ORDER

**THIS MATTER** is before the Court upon motion of the defendant for compassionate release based on her declining medical condition or sentence credit for completing the RDAP program under the First Step Act of 2018. (Doc. No. 617).

Section 603(b) of the Act amended 18 U.S.C. § 3582(c)(1)(A), which previously allowed a court to reduce a term of imprisonment only on motion of the Director of the Bureau of Prisons. Now a court may entertain a motion filed by a defendant: (1) after full exhaustion of all administrative rights to appeal a failure of the BOP to bring a motion her behalf; or (2) after the lapse of 30 days from the receipt of such a request by the warden of her facility, whichever is earlier.

Here, materials attached to the motion show that the warden denied the defendant's request for compassionate release based on her medical condition on January 22, 2019, and advised her how to appeal that decision through the Administrative Remedy Program. (Doc. No. 617 at 7). The warden denied the defendant's request for administrative remedy based on her completion of the RDAP program on February 15, 2019, and advised her how to appeal to the BOP regional director. (Id. at 8). The motion fails to show that the defendant completed the

appeal process. See 28 C.F.R. §571.63(a) (designating Administrative Remedy Procedure for appeal of warden's decision); and 28 C.F.R. §542.15(a) (defining stages of appeal to finality). Therefore, the Court is without authority to consider the merits of her claim.

**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 617), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: May 22, 2019

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

